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March 6, 2023

BY ECF

Hon. Jennifer H. Rearden
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

RE: CFPB v. Credit Acceptance Corp., No. 23 Civ. 0038 (JHR)

Dear Judge Rearden:

We represent defendant Credit Acceptance Corporation (“Credit Acceptance”) in the above-referenced action. Pursuant to Rules 2(E) and 5(B) of Your Honor’s Individual Rules and Practices in Civil Cases, we write jointly with plaintiffs the Consumer Financial Protection Bureau (“CFPB”) and Office of the New York State Attorney General (together, “Plaintiffs”) to respectfully request an enlargement of page limits and entry of a briefing schedule in connection with Credit Acceptance’s forthcoming motion to dismiss, scheduled to be filed on March 14, 2023 (subject to Credit Acceptance’s pending motion to stay (*see* ECF No. 18)).

On January 4, 2023, Plaintiffs filed a 58-page, 226-paragraph Complaint, asserting eight different causes of action containing numerous claims and legal theories in connection with millions of consumer transactions spanning an almost-seven-year time period. (*See* ECF No. 1 ¶¶ 11-12, 23.) Credit Acceptance intends to file a motion to dismiss pursuant to Rule 12(b)(6) of

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the Federal Rules of Civil Procedure asserting that the Complaint fails to state a claim as a matter of law for multiple independent reasons and should be dismissed in its entirety. To fully present to the Court the bases for Credit Acceptance's forthcoming motion and to allow Plaintiffs to fully respond to the issues raised by Credit Acceptance, the parties respectfully jointly request permission to file 50-page memoranda of law in support of and in opposition to Credit Acceptance's motion, and for Credit Acceptance to file a 25-page reply memorandum.

In addition, and for similar reasons, the parties respectfully request entry of a briefing schedule for Plaintiffs' opposition and Credit Acceptance's reply to the motion to dismiss. Pursuant to the waiver of service filed on January 13, 2023 (ECF No. 13), Credit Acceptance's motion to dismiss is due on March 14, 2023 (which the parties do not seek to modify). The parties respectfully jointly propose the following schedule for the remainder of the briefing in connection with the motion:

Plaintiffs' Opposition Brief: May 15, 2023

Credit Acceptance's Reply Brief: June 14, 2023

This is the parties' first request for an extension of the default briefing timeline set forth in Rule 6.1(b) of the Local Civil Rules of the Southern District of New York. Absent an extension, Plaintiffs' opposition to Credit Acceptance's motion to dismiss would be due on March 28, 2023, and Credit Acceptance's reply would be due on April 4, 2023. There are currently no scheduled appearances before the Court. The requested briefing schedule will not affect any other scheduled deadlines in this case.

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This request is made without prejudice to Credit Acceptance's pending motion to stay (ECF No. 18), which, if granted, would supersede this joint request. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Vanessa Buchko

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cc: All Counsel of Record (by ECF)